

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	<u>AMENDED PRELIMINARY ORDER</u>
	:	<u>OF FORFEITURE AS TO SUBJECT</u>
-v.-	:	<u>PROPERTY</u>
	:	
RUDEAN WEIR,	:	22 Cr. 695 (DLC)
Defendant.	:	
	:	
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WHEREAS, on or about December 15, 2022, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Preliminary Order of Forfeiture") (D.E. 32), which ordered the forfeiture to the United States of all right, title and interest of RUDEAN WEIR (the "Defendant") in, *inter alia*, the following property as proceeds traceable to the wire fraud conspiracy offense charged in Count One of the Information:

- a. The real property located at 2503 Pinetree Trail, College Park, GA 30349 (the "Subject Property");

WHEREAS, the full legal description of the Subject Property is as follows:

All that tract or parcel of land lying and being in Land Lots 158 and 163 of the 13th District, Fulton County, Georgia, being Unit 18-B of Pinetree Condominiums, a condominium development under the provisions of the "Georgia Condominium Act", as amended, of the State of Georgia (Georgia Law 1985, page 609, et, seq., as amended) according to and as shown on plat of survey entitled "As built site survey for Phase 10, Pinetree Condominium" dated March 4, 1987, recorded in office of the Clerk of the Superior Court, Fulton County, Georgia, in condominium Plat Book 9, Page 107, Fulton County Records, together with all the right, title and interest of grantor in said unit and the appurtenances thereto under the declaration of condominium as recorded said Clerk's Office in Deed Book 9836, Page 91, and supplemental declaration of condominiums as recorded in said Clerk's Office in Deed Book 9836, Page 434, and in Deed Book 11522, Page 209, including without limitation, the undivided interest in and to the common elements, common area and facilities appurtenant to said unit as set forth in said declaration which plat and declaration are by reference incorporated herein and made a part hereof.

WHEREAS, following the entry of the Preliminary Order of Forfeiture the Government was advised that the Subject Property had been sold pursuant to a tax sale conducted by Georgia's Fulton County Sheriff's Office (the "Sheriff");

WHEREAS, the Government was further advised that the Sheriff is in custody of approximately \$39,936.45 in surplus sale proceeds from the Subject Property (the "Sale Proceeds");

WHEREAS, the Sale Proceeds of the Subject Property represent proceeds traceable to Count One of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3) and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Sale Proceeds to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Sale Proceeds is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Upon entry of this Amended Preliminary Order of Forfeiture as to Subject Property, the United States (or its designee) is hereby authorized to take possession of the Sale Proceeds and to hold such property in its secure custody and control.

3. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the

Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Sale Proceeds must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

4. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Sale Proceeds, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Sale Proceeds, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Sale Proceeds, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

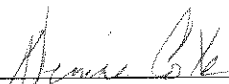
5. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

6. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Sale Proceeds pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Sale Proceeds forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

7. The Preliminary Order of Forfeiture is to be amended only as to Sale Proceeds, and the Preliminary Order of Forfeiture should in all other respects remain unchanged and fully incorporated herein.

Dated: New York, New York
June 20, 2024

SO ORDERED:



HONORABLE DENISE L. COTE
UNITED STATES DISTRICT JUDGE